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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF OREGON**

**UNITED STATES OF AMERICA**

**3:17-CR-00068-MO**

**v.**

**MICHAEL BOWMAN,**

**Defendant.**

**GOVERNMENT'S CONSOLIDATED  
RESPONSE TO DEFENDANT'S  
MOTIONS TO DISMISS  
COUNT 1 OF THE INDICTMENT**

The United States of America, by and through its attorneys, Billy J. Williams, United States Attorney for the District of Oregon, and Donna Brecker Maddux, Assistant United States Attorney, submits this consolidated response to defendant's three motions to dismiss count one of the indictment as follows:

- Motion to dismiss count one for improper joinder/failure to state an offense (ECF No. 20);
- Motion to dismiss count one for failure to comply with the statute of limitations (ECF No. 21); and
- Motion to dismiss count one as prohibited by the First Amendment right of free exercise

and the Religious Freedom Restoration Act (ECF No. 27).

The government concedes, as currently charged, count one improperly overstates the length of the crime of evasion of payment and therefore fails to properly state an offense.

In response, the government plans to correct the error in the indictment and plans to supersede with the correction the week of November 27, 2018 (one week from the date of this filing).

The parties are in agreement that the government's current plan moots defendant's remaining arguments as to the current version of count one.

A superseding indictment with changes to the start date of the offense may alter one or more of defendant's motion to dismiss theories. As such, the parties ask the Court to find defendant's current motions moot and cancel oral argument on the motions currently set for December 13, 2017. Once the government secures the superseding indictment, defendant will submit revised motions.

Dated this 20th day of November 2017.

Respectfully submitted,

BILLY J. WILLIAMS  
United States Attorney

s/ Donna Brecker Maddux  
DONNA BRECKER MADDUX, OSB #023757  
Assistant United States Attorney